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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

FILED

OCT - 9 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLANDName HENDERSON CURTIS LEE SR

(Last)

(First)

(Initial)

Prisoner Number H-43488Institutional Address P.O. BOX 3481 CORCORAN CA 93212UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACURTIS LEE HENDERSON SR

(Enter the full name of plaintiff in this action.)

vs.

J. PETERSON, C. SPEAKER, J. L. PATCH,MO BULLOCK, S. L. THOMPSON,J. McBRIDE, D. ACHRIST, G. KELLY,ET AL

(Enter the full name of the defendant(s) in this action)

Case No. CD 07 2838 SBA

(To be provided by the clerk of court)

FIRST AMENDED (PR)
COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983*[All questions on this complaint form must be answered in order for your action to proceed..]*I. Exhaustion of Administrative Remedies**[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]A. Place of present confinement CORCORAN STATE PRISON

B. Is there a grievance procedure in this institution?

YES (X) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (X) NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at

AMENDED
COMPLAINT

each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal THE APPEAL WAS FILED ON 8/20/06 AND
BYPASSED AT THE INFORMAL LEVEL

2. First formal level THE FIRST FORMAL LEVEL WAS BYPASSED

3. Second formal level THE SECOND LEVEL WAS DENIED
AND RETURNED TO HENDERSON ON 10/23/06

4. Third formal level THIS LEVEL EXHAUSTS ALL ADMINISTRATIVE
REMEDIES ON 1/29/07 LOG NO PBSP 06-02079
IAB CASE NO 0605202

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. N/A

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

CURTIS LEE HENDERSON SR CDCR NO *H-43488, P.O. BOX
3481 CORCORAN CALIF 9593212

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

PLEASE SEE PAGE 3.

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AMENDED
COMPLAINT

J. PETERSON, IS A CORRECTIONAL OFFICER AT PELICAN BAY STATE PRISON HEREAFTER (PBSP) HIS BADGE NO* IS 59276 HIS OFFICIAL POST ASSIGNMENT WAS *271630 AND POSITION WAS B5 FLOOR OFFICER #2 AND SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY

C. SPEAKER, IS A CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 47595. HIS OFFICIAL POST ASSIGNMENT WAS *371605 AND POSITION WAS B5 FLOOR OFFICER #2 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

J.T. PATCH, IS A MEDICAL TECHNICAL ASSISTANT AT PBSP HIS BADGE NO* IS 68730 HIS OFFICIAL POST ASSIGNMENT WAS *374025 AND HIS POSITION WAS FACILITY B MEDICAL CLINIC AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

M.D. BULLOCK, IS A CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 66514. HIS OFFICIAL POST ASSIGNMENT WAS *371598 AND HIS POSITION WAS B4 FLOOR OFFICER #2 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

S.L. THOMPSON, IS A CORRECTIONAL SERGEANT AT PBSP HIS BADGE NO* IS 49523 HIS OFFICIAL POST ASSIGNMENT WAS *370375 AND HIS POSITION WAS B FACILITY PROGRAM SERGEANT AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

J. MCBRIDE, IS A CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 44198 HIS OFFICIAL POST ASSIGNMENT WAS *221006. AND HIS POSITION WAS SECURITY SQUAD OFFICER #6 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

D.A. CHRIST, IS A CORRECTIONAL LIEUTENANT HIS BADGE NO* IS 35940. HIS OFFICIAL POST AT PBSP WAS *370162 AND HIS POSITION WAS FACILITY LIEUTENANT B YARD. AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

G. KELLY IS A CORRECTIONAL CAPTAIN AT PBSP HIS POST ASSIGNMENT IS UNKNOWN AT THIS TIME. HIS POSITION WAS B FACILITY CAPTAIN AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

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AMENDED
COMPLAINT

STATEMENT OF CLAIMS

1). ON AUGUST 16, 2006 THE DEFENDANTS J. PETERSON AND C. SPEAKER ATTEMPTED TO PLACE ME IN A DOUBLE CELL SETTING WITH ANOTHER INMATE WHOM IS UNKNOWN TO ME AT THIS TIME. WHEN I REFUSED THE DEFENDANTS PLACED ME IN HAND CUFFS AND PUT ME IN A CAGE APPROXIMATELY 2 1/2 FEET WIDE, 2 1/2 FEET LONG AND 7 FEET HIGH WHERE I STAYED FROM 3 P.M. TO ABOUT 6 OR 7 P.M. THE EXACT TIME IS UNKNOWN TO ME AT THIS TIME. THE DEFENDANTS THEN CAME TO PLACE ME IN ANOTHER CELL. I INFORMED DEFENDANT S.L. THOMPSON THAT I HAD SAFTY CONCERNS AND SHOWED HIM AND DEFENDANT PETERSON DOCUMENTATION THAT CLEARLY SHOWED THAT I HAD ENEMIES ON THE YARD AND FEARED FOR MY SAFTY ~~IN THE~~ AND THAT IS WHY I CHOOSE TO REMAIN ON SINGLE CELL STATUS.

THE DEFENDANTS THEN PLACED ME IN CELL B5-112 WHERE AN INMATE UNKNOWN TO ME BY NAME WHO'S AKA IS HARRY "O" WAS ASSIGNED. THIS INMATE TURNED OUT TO BE AN ACTIVE MEMBER OF THE BLOOD'S STREET GANG. CDCR HAS ME LISTED AS A MEMBER OF THE CRIPS (WHICH I DENY) ALTHOUGH THE LISTING AS A CRIP AND PLACING ME IN THE CELL WITH A BLOOD PUT MY LIFE IN IMMEDIATE DANGER AND VIOLATED MY SAFETY AND SECURITY. THE BLOOD INMATE WAS TELLING ME THAT THE C/O'S (CORRECTIONAL OFFICERS) WAS TRYING TO SET ONE OF US UP. IT WAS AT THIS TIME I BEGAN TO HAVE CHEST PAINS. I NOTIFIED THE DEFENDANT C. SPEAKER WHO CAME TO THE CELL, I TOLD HIM I WAS HAVING CHEST PAIN'S, AND THAT I NEEDED TO SEE THE MEDICAL TECHNICAL ASSISTANT (MTA) I ALSO INFORMED HIM THAT I NEEDED TO BE MOVED RIGHT AWAY.

2). THE DEFENDANTS PETERSON, AND SPEAKER, BOTH ESCORTED ME TO THE RETUNDA. PETERSON TOLD ME THAT "I NEEDED TO QUIT FUCKEN PLAYING GAMES" AND THE DEFENDANT SPEAKER INSTRUCTED ME TO RAISE MY ARM'S OUT TO THE SIDE AND TO SPREAD MY LEG'S SO THAT HE CAN SEARCH ME. I COMPLIED, C. SPEAKER THEN REMOVED FROM MY POCKET MY ADDRESS BOOKLET ALONG WITH SOME PAPER NAPKINS. HE THEN THREW THESE ITEMS ON THE FLOOR AT MY FEET (I DIDNT THINK ANYTHING OF THIS ACTION BECAUSE INMATES ARE ALLOWED TO RETRIEVE THERE ITEMS AFTER A SEARCH AND RE-POCKET THEM)

AMENDED
COMPLAINT

WHEN I SAT DOWN THE DEFENDANT J. PETERSON THEN KICKED MY ADDRESS BOOKLET ACROSS THE FLOOR INTO THE OFFICE^{CA} DOORWAY AND SAID "YOUR NOT GOING TO GET THAT" I ASKED HIM "WHY" HE SAID "IF YOU WANT TO PLAY GAMES I CAN PLAY TOO" I TOLD HIM THAT THERE ARE VERY IMPORTANT PAPERS ADDRESSES AND PHONE NUMBERS OF FAMILY HE THEN BECAME VERY HOSTILE. I WAS SITTING IN A CHAIR AT THIS TIME AND HE CAME AND STOOD RIGHT IN FRONT OF ME AND YELL'D "FUCK THAT I THOUGHT YOU WAS HAVING CHEST PAINS" AND I YELL'D BACK "WHY ARE YOU TREATING ME THIS WAY" THIS DEFENDANT INTENTIONALLY DEPRIVED ME OF MY ADDRESS BOOK WITHOUT DUE PROCESS OF LAW AND MY FIRST AMENDMENT RIGHT TO REMAIN IN CONTACT WITH FAMILY, LAWYERS, INVESTIGATORS, AND THE COURT BECAUSE WITHOUT THOSE ADDRESSES I COULDN'T CONTACT ANYONE. AND THE ONLY COURT I COMMITTED TO MEMORY WAS THE DEL NORT COUNTY SUPERIOR COURT.

C. SPEAKER. 3) I THEN GOT UP OUT OF THE CHAIR WALKED AROUND AND I BELIEVE I EVEN SAID EXCUSE ME AND BENT OVER TO PICK UP MY ADDRESS BOOKLET. C. SPEAKER GRAB'D MY LEFT ARM AND J. PETERSON PULLED OUT HIS BATON AND WITH BOTH HANDS DROVE IT INTO MY BACK LIKE A STAKE. AS I WAS BENT OVER AND C. SPEAKER THEN ~~HOLD~~ HELD ON TO MY LEFT ARM WITH HIS LEFT HAND. HE THEN PULLED HIS BATON AND HIT ME AT THE BASE OF MY SKULL, MY NECK AND SHOULDER BLAD'S. J. PETERSON HAD STARTED HITING ME ON MY THIGHS I WAS PLEADING FOR THEM TO STOP I SAID "ALRIGHT ALRIGHT" "STOP STOP" BUT THEY CONTINUED TO ASSAULT ME. I MANAGED TO GET FREE OF C. SPEAKER'S HOLD ON MY ARM I THEN STEPPED AS FAR AS I COULD FROM THE TWO DEFENDANTS TO PREVENT FROM BEING BEATEN ANY WORSE. J. PETERSON THEN PULLED HIS O.C. PEPPER SPRAY AND SPRAYED A LONG BURST OF ABOUT 7 TO 9 SECONDS I THEN LAID DOWN ON THE GROUND IN HOPES THAT THEY WOULD STOP THERE ASSAULTIVE BEHAVIOR. J. PETERSON THEN JUMPED DOWN ON MY BACK WITH ALL OF HIS BODY WEIGHT AND C. SPEAKER DID THE SAME TO MY LEG'S THEY DELIBERATLY PLACED THE HANDCUFF'S ON WRONG AND SO TIGHT THAT I LOST CIRCULATION IN MY LEFT ARM AND THE HAND CUFF'S CUT DEEP INTO MY SKIN.

AMENDED
COMPLAINT

AT NO TIME DID I HIT, KICK, SWING, OR PUNCH THESE DEFENDANTS. THE ONLY TIME I ATTEMPTED TO DEFEND MYSELF WAS WHEN I PUT MY HAND IN FRONT OF MY FACE TO PREVENT FROM BEING SPRAYED. AND AT THAT TIME I WAS AT LEAST 5, TO 7 FEET AWAY FROM THESE DEFENDANT. C. SPEAKER THEN TOLD THE DEFENDANT M.D. BULLOCK TO HOLD ME DOWN WHILE HE WENT TO WASH OFF SOME O.C. SPRAY THAT GOT ON HIM.

EVEN THOUGH I WAS NOT RESISTING AND THERE WAS NO NEED TO HOLD ME DOWN. THE DEFENDANT M.D. BULLOCK THEN JUMPED DOWN ON MY BACK, GRAB MY HEAD AND VIOLENTLY WRENCHING IT TO THE LEFT SLAMMING THE RIGHT SIDE OF MY FACE TO THE CONCRETE FLOOR AND THEN PUNCHED ME IN THE LEFT SIDE OF MY JAW, AND PLACED AN ENORMOUS AMOUNT OF PRESSURE ON MY HEAD. I COULD NOT EVEN DEFEND MYSELF IF I WANTED TO I WAS IN HAND CUFFS APPLIED IN SUCH A WAY THAT COMPLETELY STOPPED THE BLOOD FLOW TO MY HAND AND I WAS IN LEG IRONS. THESE DEFENDANT INFLECTED CRUEL AND UNUSUAL PUNISHMENT FOR THE SOLE PURPOSE OF CAUSING HARM THERE WAS NO JUSTIFICATION FOR THIS UNNECESSARY EXCESSIVE USE OF FORCE. IT AMOUNTED TO A VIOLATION OF MY EIGHTH AMENDMENT RIGHT AND FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION.

4) I THEN LOOKED AND SEEN THE DEFENDANT LIEUTENANT D.A. CHRIST AND ASKED HIM NO I PLEAD FOR HIM TO TAKE CHARGE OF THE SITUATION HE LOOKED RIGHT AT ME WE MADE EYE CONTACT AND HE WALKED RIGHT OUT THE DOOR AND ALLOWED THEM TO CONTINUE TO ASSAULT ME. THIS SUPERVISOR JUST STOOD BY AND LET AN UNLAWFUL BEATING TO CONTINUE EVEN THOUGH HE HAD THE OPPORTUNITY AND AUTHORITY TO STOP THE BEATING. THIS AMOUNTS TO DELIBERATE INDIFFERENCE IT WAS A SPEAKING SILENCE TO THE DEFENDANTS THAT THEY HAD HIS APPROVAL TO CONTINUE.

5) I THEN LOOKED AND SEEN WHOM I BELIEVED AT THAT TIME WAS "LIEUTENANT MCKINNEY." I LATER FOUND OUT THAT THAT PERSON WAS CAPTAIN G. KELLY.

AMENDED
COMPLAINT

I CALLED HIM LIEUTENANT MCKINNEY BECAUSE HE AND CAPTIN KELLY RESEMBLE EACH OTHER. I ALSO PLEADED WITH HIM TO TAKE CONTROL OF THE SITUATION, AND EVENTHOUGH I MISTAKENLY CALLED HIM LIEUTENANT MCKINNEY, HE KNEW I WAS TALKING TO HIM HE LOOKED RIGHT RIGHT AT ME WE MADE EYE CONTACT, ~~AND~~ JUST AS I DID WITH LIEUTENANT CHRIST. HE THEN LOOKED AROUND DUMBFOUNDEDLY AND WALKED RIGHT OUT THE DOOR FOLLOWING LIEUTENANT CHRIST. THIS DEFENDANT JUST STOOD BY AND LET AN UNLAWFUL BEATING TO CONTINUE. HE WAS THE HIGHEST RANKING OFFICIAL HE HAD THE OPPORTUNITY AND AUTHORITY TO STOP THE BEATING AND CHOSE TO DO NOTHING. THIS ALSO AMOUNTS TO DELIBERATE INDIFFERENCE IT WAS A SPEAKING SILENCE TO THE DEFENDANTS TO CONTINUE. BECAUSE THEY PAUSED WHEN I PLEADED FOR HELP AND THEY TO LOOKED AT THE DEFENDANT KELLY TO SEE IF HE WOULD SAY OR DO ANYTHING TO AID ME WHEN HE WALKED OUT THEY CONTINUED. BOTH DEFENDANTS CHRIST AND KELLY WERE STANDING ABOUT 10 TO 12 FEET AWAY FROM WHERE I WAS ON THE GROUND.

6). THEN I SEEN J. MCBRIDE STANDING DIRECTLY OVER ME HOLDING A CAMERA AND A SOFT COVER BRIEFCASE. AND I SAID TO HIM THAT HE KNOWS THAT I SHOULD NOT BE TREATED THIS WAY HE LOOKED AT ME LIKE HE DIDNT EVEN KNOW WHO I WAS. AND IN SPIKE OF THE FACT THAT WE'VE KNOWN EACH OTHER FOR YEARS HE DID NOTHING TO PROTECT ME I TRULY BELIEVE THAT ALL THE YEARS I KNOWN HIM, THAT HE WAS ONE OF THE GOOD GUYS THAT DAY ON AUGUST 16, 2006 I LEARNED OTHERWISE. AND IT AMOUNTED TO DELIBERATE INDIFFERENCE AND VIOLATED MY RIGHTS UNDER THE UNITED STATES CONSTITUTION 8TH & 14TH AMENDMENTS.

7). I THEN HEARED LAUGHTER AND NOTICE TO FEMAL MEDICAL TECHNICIAN ASSISTANTS LAUGHING AT ME. WHEN I REALIZED NO-ONE WOULD STOP THE ASSAULT ON ME I PLEADED WITH THEM "JUST DON'T KILL ME" I SAID BECAUSE I WAS SO SCARED THAT I BELIEVED THAT THATS WHAT THEY WERE TRYING TO DO.

8). THE DEFENDANT BULLOCK, THEN PULLED ME UP TO MY FEET BY THE HANDCUFF CHAIN LINKS AND FORCEFULLY RUSHED ME OUT TO THE MINI YARD AND FORCED ME UNDER A SHOWER WITH FREEZING COLD WATER.

THEN HE AND ANOTHER OFFICER RUSHED ME ACROSS THE PRISON YARD TO THE PROGRAM OFFICE I COULDN'T WALK AT THIS TIME BECAUSE THEY REMOVED THE BRACE FROM MY RIGHT ANKLE AND MY RIGHT SHOE WAS MISSING THE LEG IRONS WERE ON SO TIGHT THEY CUT INTO MY TENDON OF MY LEFT ANKLE. SO I WAS HALF DRAGED HALF LIMPED ALL THE WAY TO THE PROGRAM OFFICE ABOUT 320-400 FEET I WAS PLACED IN THE SAME CAGE AS MENTIONED IN 1.) ABOVE.

8.) WHEN I ARRIVED, THERE WERE TWO OTHER INMATES IN OTHER CAGES WHOM ARE UNKNOWN TO ME AT THIS TIME (BUT CAN BE NAMED THROUGH DISCOVERY) WHEN THE DEFENDANTS PLACED ME IN THE CAGE I ASKED FOR THE MTA AND TOLD THEM I COULDN'T FEEL MY ARM'S THESE DEFENDANTS JUST WALKED OUT. DENYING ME MEDICAL TREATMENT. THE TWO INMATES BEGAN YELLING AND BANGING ON THE CAGES TO GET THE MTA. AND THE HANDCUFFS REMOVED. THE DEFENDANTS CAME BACK AND TOOK ME TO ANOTHER PART OF THE INSTITUTION AND ONCE AGAIN I WAS HALF DRAGED HALF LIMPED FROM B YARD TO A YARD.

9.) THE DEFENDANT J.T. PATCH FALSIFIED THE MEDICAL REPORT 7219 STATING THAT I HAD NO INJURIES THIS WAS DONE TO COVER UP THE ASSAULT ON ME HE VIOLATED MY RIGHTS TO MEDICAL TREATMENT. AND FALSIFICATION OF AN OFFICIAL MEDICAL REPORT TO JUSTIFY NOT GIVING ME MEDICAL TREATMENT IS A VIOLATION OF PENAL CODE § 134 HE KNEW I HAD SERIOUS INJURIES HE WAS STANDING THERE WATCHING AS I WAS BEATEN BUT KEPT THAT OFF THE REPORT SO THE DEFENDANTS WOULD ESCAPE LIABILITY.

10.) UPON BEING HALF DRAGED TO A YARD THE DEFENDANT BULLOCK CONTINUED TO THREATEN ME HE TOLD ME IF I LOOKED AT HIM "HE WOULD TAKE ME DOWN TO THE GROUND" I WAS SHAKING AND SNEEZING FROM THE COLD HE TOLD ME IF I DIDN'T STOP "HE WOULD TAKE ME DOWN TO THE GROUND AND ASSURED ME I WOULDN'T LIKE IT."

11.) WHEN I ARRIVED TO A YARD A TAYLOR PSYCH-TECH GAVE ME 4 ASPRINS AND DOWN PLAYED MY INJURIES BY STATING THAT I HAVE TO SMALL ABRASIONS ON MY BACK.


12.) THAT SAME NIGHT I ATTEMPTED TO NOTIFY THE DEL NORTE COUNTY SUPERIOR COURT BY SENDING THEM A LETTER IN FACT I COULDN'T USE MY HANDS WELL AND I SIMPLY WROTE ON A PEACE OF PAPER "THEY TRYING TO KILL ME" I WAS TRYING TO ESTABLISH THAT IF I DID IN FACT DIE FROM MY WOUNDS THAT IT WAS NO ACCIDENT NOR FAULT OF MY OWN I GAVE THE LETTER TO C/D CUSIAC SEALD AND SIGNED BY HIM.

AMENDED
COMPLAINT

13). ON 8-17-06 MTA GUROSE, KNOWN TO ME A VICK WAS MAKING HIS MORNING ROUNDS HE SEEN ME, AND THE BAD SHAPE I WAS IN AND ORDERED THAT I BE BROUGHT OUT FOR FULL EVALUATION HE COMPLETED A 7219 MEDICAL REPORT OF ALL MY INJURIES. AND THAT REPORT IS NOW MISSING. HE PLACED ME ON THE EMERGENCY DOCTORS LINE AND BANDAGED MY WOUNDS HE ALSO HAD ME TO WRITE A COMPLETE SYNOPSIS OF HOW I GOT MY ^{SELF} INJURIES IT TOOK ME A WHILE TO WRITE IT BECAUSE OF THE NERVE DAMAGE TO MY HANDS AND THE PAIN I WAS IN. BECAUSE OF THE SERIOUSNESS OF MY INJURIES A VIDEO WAS MADE AND AN INVESTIGATION INTO STAFF UNNECESSARY USE OF EXCESSIVE FORCE WAS ORDERED.

14). ON 8-17-06 DEFENDANT D.A. CHRIST CONDUCTED THE INVESTIGATION. I OBJECTED ON THE GROUNDS THAT HE WAS INVOLVED IN THE ISSUE BEING INVESTIGATED HE WAS ON SIGHT WATCHING AS I WAS BEATEN AND WAS THEREFORE DISQUALIFIED. HOWEVER HE DID SO ANYWAY TO COVER UP HIS COWORKER'S ASSAULT ON ME AND FOUND IN FAVOR OF HIMSELF AND HIS CODEFENDANTS.

15). I WAS GIVEN A 115 RULE VIOLATION REPORT FOR BATTERY ON A PEACE OFFICER IT WAS ENTIRELY FALSE, BUT THE HEARING OFFICER FOUND ME GUILTY ANYWAY. AND I REMAIN IN SEGREGATION (SHU).

16). ON 8-18-06 I WAS SEEN BY DOCTOR JAIN M.D. I WAS PLACED ON DRESSING CHANGE FOR THE WOUNDS I SUSTAINED ON MY BACK AND LEFT WRIST. X-RAYS REVEALED A DAMAGED BONE IN MY RIGHT HAND AND I HAVE NERVE DAMAGE SO EXTENSIVE THE DOCTOR ORDERED THAT TO PAIR OF HANDCUFFS BE USED WHEN I AM HANDCUFFED IN THIS FASHION ILLUSTRATION  I AM ALSO REQUIRED TO WEAR WRIST SPLINTS.

17) ON 8-22-06 DEFENDANT C. SPEAKER CAME TO MY CELL A2-128 TO HARASS ME CALLING ME A DRUG ADDICT SAYING I MUST OF SMOKED CRACK WHEN I WAS YOUNG. BUT I NEVER USED CRACK IN MY LIFE.

18). ON 8-23-07 I REQUESTED A CDC 119 QUERY, WHICH IS A COMPUTER TRACKING OF ALL INDIVIDUAL INMATES OUTGOING AND INCOMING LEGAL MAIL TO AND FROM THE COURTS. IT SHOWED THAT THE LEGAL MAIL I SENT TO THE DEL NORTE SUPERIOR COURT BY GIVING IT TO C/O COSIAL NEVER WENT OUT TO THE COURT. THE MAIL ROOM PERSONEL ALSO INFORMED ME THAT "YOU HAVE NO RECORD OF ANY COURTS, BOC, WARDEN CERTIFIED GOING OUT"

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AMENDED
COMPLAINT

18). I WAS AGAIN SUBJECTED TO HARASSMENT BY THE DEFENDANT C.SPEAKER ON 8-25-06. 8-26-06 AND 8-29-06.

19). ON 8-31-06 I WAS HARASSED BY THE DEFENDANT J. PETERSON. CAME TO MY CELL A2-128 WITH A PROPERTY INVENTORY SLIP. AND TOLD ME I HAD TO MAIL SOME PROPERTY HOME. I TOLD HIM TO SEND MY PROPERTY TO THE ASU PROPERTY OFFICER C/O TURNER AND I WILL DEAL WITH HIM. HE STATED NO AND THAT HE HAD A BOX AND TRUST WITHDRAWAL FORM READY FOR ME TO SIGN. WHEN I ASKE HIM TO GET AWAY FROM MY DOOR HE BECAME AGITATED AND MENTION THE FACT THAT I FILED A FORMAL COMPLAINT AGAINST HIM AND SAID THAT I KNOW WHATS GOING TO HAPPEN BECAUSE I KNOW HOW IT GOES. I TOOK THIS AS A THREAT AGAINST MY PERSON SO I TURNED OFF MY CELL LIGHT AND TOLD HIM TO GET THE FUCK AWAY FROM ME.

20) ON 9-14-06 THE DEFENDANT J. McBRIDE CAME TO MY CELL A2-128 AND ASKED ME IF I WAS ALRIGHT I TOLD HIM THAT I WAS DISAPOINTED IN HIM BECAUSE HE COULD HAVE STOPPED THEM FROM BEATING ME. HE SAID "WHAT COULD I DO A SERGEANT (TOMPSON) LIEUTANANT (CHRIST) AND A CAPTAIN (KELLY) WAS RIGHT THERE" I TOLD HIM WHAT HAPPEND ABOUT ME GETTING MY ADDRESS BOOK AND BEING BEATTEN FOR IT. HE SAID "YEAH I KNOW THATS WHAT THEY TOLD US, WE GOT CALLED IN AND CHEWED OUT" I ASKED HIM WHY HE DIDNT TAKE PHOTOS OF MY INJURIES HE SAID HE WAS TOLD THAT I DIDNT HAVE ANY INJURIES.

21) ON 4-25-07 I WAS OUT OF MY CELL C11-108 FOR AN INTERVIEW WITH MR. DOUGLAS WHO IS A LICENSE CASE SOCIAL WORKER (LCSW) I THEN SEEN C/O CUSIAC THE OFFICER WHO FAILED TO SEND MY LEGAL MAIL OUT ON 8-16-06. I ASKED HIM WHY HE DID NOT SEND OUT MY LEGAL MAIL AND INFORMED HIM OF THE COMPUTER 119-QUERY PROCEEDURE IN THE MAIL ROOM. HE THEN TOLD ME IN FRONT OF MR. DOUGLAS THAT AFTER TAKING MY LEGAL MAIL "HE TOOK IT TO SERGEANT WRIGHT. WHO THEN BROKE THE SEAL OPENED IT, AND READ IT'S CONTENTS AND THEN THREW IT AWY". I COULONT BELIEVE HE WAS ACTUALLY TELLING ME THE TRUTH I SAID TO MR. DOUGLAS. "DO YOU HEAR THIS" HE SAID "YEAH" I TOLD MR. DOUGLAS TO WRITE IT DOWN IN HIS NOTEBOOK BECAUSE I MAY BE CALLING HIM AS A WITNESS TO THE FACT THAT THIS OFFICER ADMITTED THAT,

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AMENDED
COMPLAINT

SERGEANT WRITE OBSTRUCTED MY 1ST AMENDMENT RIGHT TO CORRESPOND WITH THE COURTS BY DESTROYING MY MAIL TO KEEP THE PUBLIC AND HONORABLE JUDICIAL ADMINISTRATION FROM KNOWING THAT I WAS BEATEN.

22). BECAUSE OF THIS BRUTAL ASSAULT ON ME I SUFFERED HEADACHES FROM BEING HIT AT THE BASE OF MY SKULL, MY JAW GETS LOCKED IN THE OPEN ~~POSITION~~ POSITION WHEN EVER I YAWN TO WIDE OR WHEN I BRUSH ~~MY~~ MY TEETH. I HAD TROUBLE BREATHING FOR WEEKS FROM BEING HIT ON THE BACK WHEN THE DEFENDANT DROVE HIS BATON INTO MY BACK LIKE A STAKE AND THEN JUMPED DOWN ON MY BACK WHILE I LAID ON THE FLOOR MY WRIST GO NUMB AND I HAVE TO STOP WHATEVER IM DOING TO WORK THE NUMBNESS AWAY AND THE PAIN FROM MY RIGHT WRIST UP TO MY ELBOW IS CONSTENT MY BODY IS LEFT WITH LASTING MARK'S FROM THIS ASSAULT, MY WRIST HAVE THE SCAR'S FROM THE HAND CUFF, BOTH MY ACHILLES HEELS HAVE THE SCAR'S FROM THE LEG IRONS THAT CUT INTO MY ACHILLES TENDON AND TWO SCAR'S REMAIN IN THE SHAPE OF CIRCLES ON MY BACK I WAS HUMILIATED AND TREATED AS IF I HAD NO VALUE AT ALL, I WAS TORTURED PHYSICALLY AND MENTALLY.

23). ON 5-22-07 I HAD TO UNDERGO MORE PAIN BY ELECTRO SHOCK. WHEN I WAS EXAMINED BY NEUROLOGY CONSULTANT LARRY J. MAUKONEN ELECTRICITY WAS THE ONLY WAY TO SEE THE EXTENT OF DAMAGE CAUSED TO MY NERVES IN MY WRISTS HE RECOMMENDED THAT I BE SEEN BY A SURGEON TO CORRECT THE DAMAGE HIS FINDINGS ARE AS FOLLOWS:

" NERVE CONDUCTIVE STUDIES WERE CARRIED OUT. THEY REVEAL BILATERAL ULNAR NEUROPATHIES AT THE ELBOWS, RIGHT WORSE THAN LEFT, WITH MODERATE SLOWING OF THE RIGHT ULNAR MOTOR CONDUCTION VELOCITY ACROSS THE ELBOW AT 34 M/S, AND MILD SLOWING OF THE LEFT ULNAR MOTOR CONDUCTION VELOCITY ACROSS ELBOW AT 46 M/S. ALL OF HIS DISTAL LATENCIES BOTH MOTOR AND SENSORY ARE PROLONGED. THIS IS SLIGHTLY WORSE FOR THE ULNAR SENSORY LATENCIES AT THE WRIST LEAST AFFECTED ARE THE RADIAL CENTRAL LATENCIES AT THE WRIST, MUCH OF THIS PROLONGATION CAN PROBABLY BE ACCOUNTED FOR BY THE COLDNESS OF HIS HANDS, ALTHOUGH IT IS POSSIBLE THAT HE HAS SOME ENTRAPMENT PARTICULARLY OF THE ULNAR NERVE AT HIS WRIST. IN VIEW OF THE DEGREE OF SWELLING FOUND ON THESE STUDIES."

THIS COURT CAN SEE THAT THE DAMAGE IS MORE SERIOUS THAN JUST BRUISES AND SCARS.

RELIEF

A. ISSUE AN INJUNCTION ORDERING THE DEFENDANTS AND OR THEIR AGENTS TO:

1. IMMEDIATELY ARRANGE FOR THE PLAINTIFF TO BE SEEN BY A NEUROLOGY SURGEON TO HAVE CORRECTIVE SURGERY.
2. IMMEDIATELY ARRANGE FOR THE PLAINTIFFS NEED FOR PHYSICAL THERAPY OR OTHER FOLLOW UP MEDICAL TREATMENT TO BE EVALUATED BY A MEDICAL PRACTITIONER WITH EXPERTISE IN TREATMENT AND RESTORATION OF FUNCTION OF ULNAR NERVES.
3. CARRY OUT WITHOUT DELAY THE TREATMENT DIRECTED BY SUCH MEDICAL PRACTITIONER.
4. EXPUNGE THE DISCIPLINARY CONVICTION DESCRIBED IN 15). OF THIS COMPLAINT FROM THE PLAINTIFF RECORD.

B. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS

1. \$100,000 SEVERALLY AND JOINTLY AGAINST DEFENDANTS J. PETERSON, C. SPEAKER AND M.D. BULLOCK. FOR THE PHYSICAL AND EMOTIONAL INJURIES SUSTAINED AS A RESULT OF THE PLAINTIFF BEATING.
2. \$50,000 SEVERALLY AND JOINTLY AGAINST DEFENDANTS S.L. THOMPSON, J. MCBRIDE, DA. CHRIST, AND G. KELLY FOR THE PHYSICAL AND EMOTIONAL INJURIES RESULTING FROM THEIR FAILURE TO STOP THE BEATING.
3. \$50,000 AGAINST THE DEFENDANT J.T. PATCH FOR THE PHYSICAL AND EMOTIONAL INJURIES RESULTING FROM HIS FAILURE TO PROVIDE ADEQUATE MEDICAL CARE TO THE PLAINTIFF.

C. AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS:

1) \$50,000 EACH AGAINST DEFENDANTS, J. PETERSON,
C. SPEAKER AND M.D. BULLOCK;

2) \$20,000 EACH AGAINST DEFENDANTS S.L. THOMPSON
J. McBRIDE, D.A. CHRIST AND G. KELLY;

3) 10,000 AGAINST DEFENDANT J.T. PATCH.

D. AWARD NOMINAL ON EACH DEFENDANT IN THE AMOUNT
OF \$1,000 EACH.

E. OTHER SUCH RELIEF AS IT MAY APPEAR PLAINTIFF IS
ENTITLED TO AS DEEMED ~~BY~~ NECESSARY BY THE COURT.

F. DECLATORY RELIEF, THAT DOUBLE CELLING IS NOT MANDATED
BY THE CONSTITUTION.

THIS COMPLAINT IS THE SWORN AFFIDAVIT OF THE
PLAINTIFF CURTIS LEE HENDERSON SR. DECLARED UNDER PENALTY
OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
FORGOING IS TRUE AND CORRECT AND THOSE MATTERS STATED ON
GOOD FAITH AN BELIEF TO BE TRUE AS WELL. AND IF CALLED TO
TESTIFY ON THE MATTER'S STATED HEREIN I WOULD DO SO.

10/1/07
DATED


CURTIS LEE HENDERSON SR

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AMENDED
COMPLAINT

PROOF OF SERVICE BY MAIL

(C.C.P. Sec. 101a #2015-5; 28 U.S.C. Sec. 1746)

I, CURTIS LEE HENDERSON, am a resident of CORCORAN State Prison, in the County of CORCORAN, State of California. I am over the age of eighteen (18) years and am a party to the above-entitled action.

My State Prison address is: Post Office Box 3481, CORCORAN, California, 93212.

On the 1st day of OCTOBER, 2007, I served the following (set forth the exact title of document(s) served):

FIRST AMENDED COMPLAINT/ MOTION TO AMEND

on the party(s) herein by placing a true copy(s) thereof, enclosed in a sealed envelope(s), with postage thereon fully paid, in the United States mail, in a deposit box so provided at CORCORAN State Prison, CORCORAN, California, 93212, addressed as follows:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIF
1301 CLAY STREET 400S. TOWER
OAKLAND CALIF 94612-5212

There is delivery service by United States mail to the place so addressed and/or there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 1st day of OCTOBER, 2007.



Declarant/Prisoner signature